

**Chapter VI-16**  
**ORDINANCE**  
**CONCERNING THE OPERATION AND MAINTENANCE**  
**OF THE MOUNTAIN VIEW CEMETERY AND THE OAK HILL**  
**CEMETERY**  
**IN THE TOWN OF CAMDEN**

PREAMBLE

Consistent with the historical relationship between the Camden Cemetery Association and the Town of Camden, this Ordinance is enacted to reflect contemporary considerations for the Town's cemeteries and in accordance with the Home Rule Authority of the Town.

ARTICLE I:           AUTHORITY

This Ordinance is enacted pursuant to the Home Rule Authority granted to the Town in accordance with the provisions of Title 30-A, MRSA Section 3001 and Title 13 MRSA Section 1373.

ARTICLE II:           PUBLIC CEMETERIES

There are two public cemeteries in the Town of Camden: Mountain View Cemetery and the Oak Hill Cemetery. The purpose of the Cemetery Association shall be to provide the inhabitants of the Town of Camden, inhabitants of surrounding towns and communities, and families and individuals who may contract with the Town of Camden from time to time for the burial and internment of human bodies and for other services and facilities normally associated with a public cemetery, including any future cemeteries in the Town.

ARTICLE III:   GOVERNING BODY

The governing body of the Cemetery Association shall be the Board of Trustees.

ARTICLE IV:   APPOINTMENT OF THE BOARD OF TRUSTEES

The initial Board of Trustees shall be the Board of Trustees of the Camden Cemetery Association, which is in office as of the date of the Town Meeting at which this Ordinance is enacted. A copy of the names and addresses of the members of the Board of Trustees in office as of June 9, 1999 is attached to this ordinance.

The initial Board of Trustees shall consist of seven members with staggered terms as follows: Three members shall serve a three year term, commencing July 31, 1999 and expiring on July 31, 2002; two members shall serve a two year term, commencing July 31, 1999 and expiring on July 31, 2001, and two members shall serve a one year term, commencing July 31, 1999 and expiring on July 31, 2000.

Following the establishment of the Board of Trustees, vacancies in the Board of Trustees, by expiration of term of office, or otherwise, shall be filled by appointment by the

Board of Selectmen of a person to fill each such vacancy, as the vacancy occurs. The Town of Camden finance supervisor will be an ex-officio member of the Board of Trustees.

Each new appointee shall assume office, and that appointee's term of office shall commence as of the date of appointment by the Board of Selectmen.

#### ARTICLE V: OFFICERS OF THE BOARD OF TRUSTEES

The Board of Trustees shall elect a chairperson and a vice chairperson. The finance supervisor shall serve as the recording secretary. The foregoing officials shall be the officers of the Board of Trustees and shall serve in that capacity for a term of one year, or until his or her successor shall be elected by a subsequent Board of Trustees.

#### ARTICLE VI: MEETINGS OF THE BOARD

Meetings of the Board of Trustees shall be held at such times as the Board may determine. Special meetings of the Board of Trustees may be called by the Chairperson or, in the case of the disability or absence of the Chairperson, by the Vice Chairperson, upon notice to each Board member as well as to the public of each such special meeting, no less than three days prior to each special meeting. All meetings of the Board of Trustees, with the exception of executive sessions permitted by law, shall be public meetings and the public shall be permitted to attend.

#### ARTICLE VII: POWERS, AUTHORITY, AND DUTIES OF THE BOARD

The Board of Trustees shall have the power, authority, and duty to manage and to control the public cemeteries, in all things connected with those cemeteries, including the authority to:

- A. Engage the services of independent contractors and companies for maintenance, care, and preservation of the cemetery grounds and all cemetery facilities;
- B. Coordinate and monitor the hiring and supervision of employees of the Town providing work and services for the maintenance, care, and preservation of the cemetery grounds and all cemetery facilities;
- C. Accept gifts and endowments for the use of the Cemetery Association in the operation, maintenance and preservation of the public cemeteries, subject to the requirement that the acceptance of all such gifts and endowments shall be confirmed by the Board of Selectmen of the Town;
- D. Purchase and arrange for the purchase of all materials, equipment, and supplies for the operation, maintenance, and preservation of the public cemeteries;
- E. Direct the expenditure of Cemetery Association funds.
- F. Direct the investment of Cemetery Association funds, in consultation with the Board of selectmen of the Town and in accordance with the provisions of Article X of this ordinance.

- G. Establish bylaws and regulations for the operation and management of the public cemeteries, and for the use of those facilities by the inhabitants of the Town and by inhabitants of other towns and communities; and
- H. Engage in all functions and perform all duties required for the operation, maintenance, management, and preservation of the Mountain View Cemetery, the Oak Hill Cemetery, and any other public cemeteries of the Town of Camden.

#### ARTICLE VIII: SEXTON

The Board of Trustees shall appoint a Sexton who will work under the direction of the Board of Trustees; for purposes of the Town's personnel policies, the Finance Supervisor of the Town shall be the supervisor of the Sexton. Among other duties assigned to the Sexton, the Sexton shall be responsible for the location of grave sites, and coordinating grave openings and closings.

#### ARTICLE IX: TOWN FINANCE SUPERVISOR

The Town finance supervisor shall serve as a financial assistant to the Board of Trustees for the purpose of providing monthly financial information on Cemetery Association revenues and expenses.

#### ARTICLE X: DONATIONS AND CEMETERY ASSOCIATION FUNDS

All funds that have been donated to the Town of Camden or to the Cemetery Association for the use of the Mountain View Cemetery, the Oak Hill Cemetery, or any other public cemetery in the Town, and all cemetery revenues, shall be held in the name of the Cemetery Association. The Board of Trustees shall be responsible for the investment and management of all such Cemetery Association funds, or funds resulting from donations to the Town for cemetery purposes.

With the concurrence of the Board of Selectmen, the Board of Trustees shall make decisions concerning the investment of Cemetery Association funds and Town funds.

As directed by the Board of Selectmen, in consultation with the Cemetery Association, the Treasurer of the Town shall invest Cemetery Association funds in accordance with the provisions of Title 30-A MRSA Section 5706. Cemetery Association trust funds and funds donated to the Town for cemetery purposes may be pooled with other Town trust funds for investment purposes, as directed by the Board of Selectmen. In the event that such funds are pooled with other Town trust funds, the interest and income earned on those funds shall be segregated from other income and such interest and income shall be used exclusively for the purposes of the public cemeteries of the Town. In the event that any instruments of donation or gifts to the Cemetery Association or the Town contain restrictions or limitations on the investment of those funds, then those funds shall be invested in compliance with those restrictions and limitations.

#### ARTICLE XI: CEMETERY BUDGET

The Board of Trustees shall be responsible for the preparation of the annual budget. The Board of Trustees shall develop an annual operating and capital budget showing line item expenses and supporting revenue. The annual budget for the Cemetery Association shall show

the investment of all funds and donations, and the expenditures anticipated for the operation of the cemeteries for the budgetary year.

#### ARTICLE XII: APPLICABILITY OF PERSONNEL POLICIES

Except as otherwise stated in this Ordinance, all employees of the Town working at the public cemeteries, including the Sexton, shall be subject to the personnel policies of the Town of Camden.

#### ARTICLE XIII: AUTHORITY TO HIRE INDEPENDENT CONTRACTORS

The Board of Trustees shall have the authority to engage independent contractors for purposes of providing services for the maintenance, care, repair, and preservation of the public cemeteries, and equipment and facilities associated with those cemeteries. Independent contractors shall be engaged for such work on terms and conditions approved by the Board of Trustees. Independent contractors shall not be considered employees of the Town of Camden or the Cemetery Association and shall not be subject to the personnel policies of the Town.

#### ARTICLE XIV: OWNERSHIP OF CEMETERIES

All cemeteries, cemetery lots, and portions of public cemeteries located in the Mountain View Cemetery and the Oak Hill Cemetery shall be owned by the Town of Camden, including all portions of cemeteries or cemetery lots conveyed to the Camden Cemetery Association, unless ownership by the Town of Camden violates a restrictive covenant or prohibition set forth in a deed concerning a portion of a cemetery or a cemetery lot. The Camden Cemetery Association shall execute deeds and other instruments for recording in the Knox County Registry of Deeds conveying all such interest in the cemeteries, cemetery lots, and portions of public cemeteries to the Town of Camden.

#### ARTICLE XV: EFFECTIVE DATE

This Ordinance shall take full force in effect on the date of enactment of this Ordinance at a Town Meeting of the Town of Camden.

#### ARTICLE XVI: PRIOR CEMETERY ORDINANCES

Upon enactment of this Ordinance, this Ordinance shall supersede any other ordinance or operating arrangement between the Town of Camden and the Camden Cemetery Association, and any prior ordinance is repealed. All cemetery facilities, including equipment, supplies, and materials, shall be transferred to the Town of Camden under the supervision of the Board of Trustees as established by this Ordinance.

Adopted by the voters of the Town of Camden on June 8, 1999.

